
AGENDA ITEM SUMMARY

Meeting Date: 9/6/2016
Meeting Type: Regular Meeting
Staff Contact/Dept.: Amy Sowa
Staff Phone No: 541.726.3700
Estimated Time: Consent Calendar
Council Goals: Mandate

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: EXECUTIVE SESSION NEWS MEDIA ATTENDANCE POLICY

ACTION REQUESTED: Authorize the City Manager to sign the amended Executive Session News Media Attendance Policy.

ISSUE STATEMENT: In 2011, the City of Springfield adopted an Executive Session News Media Attendance Policy to address social media. An amendment is needed to update the language in this policy.

ATTACHMENTS: Attachment 1: Executive Session News Media Attendance Policy

**DISCUSSION/
FINANCIAL
IMPACT:** In 2011, the City of Springfield adopted an Executive Session News Media Attendance Policy. This policy was drafted to address bloggers and other social media who may wish to attend an executive session. This policy was based upon the model policy developed in 2009 by a task force consisting of representatives of Open Oregon, Lake Oswego City Attorney (also representing the League of Oregon Cities), Lake Oswego Mayor, Clackamas County Counsel, the Oregonian, the Oregon Newspaper Publishers Association and the Oregon Association of Broadcasters.

The Oregon Government Ethics Commission (OGE) requested an opinion from the Attorney General regarding media attending Executive Sessions. The attached policy includes revisions made in accordance with the Oregon Attorney General Opinion OP 8291 (April 18, 2016).

The amendments proposed more broadly define representatives of news media and remove restrictions that exclude representatives of new media on impermissible basis, including past lack of compliance with rules limiting reporting on executive sessions and the requirement that a member of news media or publication report on subject matter germane to the executive session. The City has not had any recent issues with media reporting on executive sessions, or of unauthorized people claiming to be media attending the meetings. These amendments ensure the City remains in compliance with state law and the recent AG opinion.

Council is being asked to authorize the City Manager to sign the amended Executive Session News Media Attendance Policy.

CITY OF SPRINGFIELD EXECUTIVE SESSION NEWS MEDIA ATTENDANCE POLICY

WHEREAS Oregon public meetings law provides that representatives of the news media shall be allowed to attend certain executive sessions of public bodies, but may be required to not disclose specified information (ORS 192.660(4)); and

WHEREAS because at the time state law relating to media attendance at executive sessions was adopted "news media" consisted of entities that were institutionalized and structured to support compliance with the requirements of ORS 192.660(4), the law includes no express mechanism for enforcing those requirements; and

WHEREAS technological advances since the time the public meetings law was initially adopted have resulted in development of communication mechanisms allowing virtually any individual or entity to disseminate information widely; and

WHEREAS the City of Springfield finds that in that absence of a statutory definition of "news media" as that term is used in ORS 192.660(4) it is necessary to adopt a policy that implements the intent of the public meetings law relating to executive session attendance without precluding attendance by Internet-based or other "non-traditional" information disseminators that are institutionalized and committed to compliance with ORS 192.660(4); and

WHEREAS the City of Springfield recognizes that this policy is solely for the purpose of determining eligibility to attend executive sessions, which requires non-disclosure of specified information from executive sessions, and is not intended to otherwise define "news media" or to determine eligibility to report on Springfield activities or to limit access to other Springfield meetings by any person;

The City of Springfield hereby adopts the following policy:

1. Currently Recognized News Media Organizations. The following entities are hereby recognized as news media organizations eligible to attend executive sessions because they are recognized as institutions formally organized for the purpose of gathering and disseminating news~~have an established history of meeting the requirements of this policy:~~

Main Media Contact

Print:

Cottage Grove [Cottage Grove Sentinel](#)

Creswell [Creswell Chronicle](#)

Drain Drain Enterprise

Eugene [Daily Emerald \(UofO\)](#)

Eugene Ethos Magazine (UofO)

Eugene Oregon Commentator (UofO)

Eugene Oregon Insurgent (UofO)

Eugene [Register Guard](#)

Eugene [Eugene Weekly](#)

Eugene Money Saver

Eugene West Lane News

Eugene [The Torch \(LCC\)](#)

McKenzie Bridge [McKenzie River Reflections](#)

Oakridge [Dead Mountain Echo](#)

Portland [Associated Press](#)

Portland [Oregon Cycling](#)

Portland [The Oregonian](#)

Portland Portland Mercury (503-294-0840)

Portland Willamette Week (503-242-2122)

Salem Northwest Senior News

Springfield [Springfield Times](#)

Media Contact Affiliates

Print:

Portland Mercury (Portland) — 503-294-0840

Willamette Week (Portland) — 503-243-2122

Yalla — University of Oregon (Eugene) — nwillion@uoregon.edu

Oregon Commentator — University of Oregon (Eugene) — 541-346-3721

Other Print Publications:

Albany [Democrat-Herald](#)

Ashland [Ashland Daily Tidings](#)

Astoria [The Daily Astorian](#)

Baker City [Baker City Herald](#)

Beaverton [Beaverton Valley Times](#)

Bend [Bend Weekly](#)

Bend [Cascade Business News](#)

Bend [The Bulletin](#)

Bend [the Source](#)

Brookings [Curry Coastal Pilot](#)

Burns [Burns Times Herald](#)

Canby [Canby Herald](#)

Cannon Beach [Cannon Beach Gazette](#)

Clatskanie [Clatskanie Chief](#)

Coos Bay [The World](#)

Corvallis [Corvallis Gazette Times](#)

Cottage Grove [Cottage Grove Sentinel](#)

Dallas [Polk County Itemizer-Observer](#)

Enterprise [Wallowa County Chieftain](#)

Gold Beach [Curry County Reporter](#)

Grants Pass [Daily Courier](#)

Gresham [The Outlook](#)

Hermiston [Hermiston Herald](#)
Hillsboro [Hillsboro Argus](#)
Hood River [Hood River News](#)
John Day [Blue Mountain Eagle](#)
Keizer [Keizertimes](#)
Klamath Falls [Herald and News](#)
La Grande [La Grande Observer](#)
Lake Oswego [West Linn Tidings](#)
Lakeview [Lake County Examiner](#)
Lebanon [Lebanon Express](#)
Lincoln City [The News Guard](#)
Madras [Madras Pioneer](#)
Manzanita [North Coast Citizen](#)
McMinnville [News-Register](#)
Medford [Mail Tribune](#)
Molalla [Molalla Pioneer](#)
Newberg [The Newberg Graphic](#)
Newport [News Times](#)
Ontario [Argus Observer](#)
Pendleton [East Oregonian](#)
Portland [Business Journal of Portland](#)
Portland [Jewish Review](#)
Portland [Mid-County Memo](#)
Portland [Oregon Capitol News](#)
Portland [Oregon Herald](#)
Portland [Portland Observer](#)
Portland [Portland Tribune](#)
Portland [The Asian Reporter](#)
Portland [The Skanner](#)
Prineville [Central Oregonian](#)
Rogue River [Rogue River Press](#)
Roseburg [The News-Review](#)
Saint Helens [St. Helens Chronicle](#)
Salem [Capital Press Agriculture Weekly](#)
Salem [Salem News](#)
Salem [Salemmonthly.com](#)
Salem [Statesman Journal](#)
Sandy The Sandy Post
Scappoose [South County Spotlight](#)
Seaside [Seaside Signal](#)
Silverton [The Appeal Tribune](#)
Sisters [Nugget Newspaper](#)
Stayton [Stayton Mail](#)
Sweet Home [The New Era](#)
The Dalles [Dalles Chronicle](#)
Tillamook [Headlight-Herald](#)
Toledo [Yaquina Wavelength](#)
Wilsonville [Wilsonville Spokesman](#)

Woodburn [Woodburn Independent](#)

Radio:

KUGN AM 590	KPNW	KORE
KAGI AM 930	KDUK	KRVM
KEX AM 1190	KODZ	KWVA
KOPB FM 91.5 (NPR)	KFLY	KEUG
KXL AM 750	KHPE	KLCC
KUGN	KKNU	KMGE
KZEL	KKNX	KQFE

~~All Affiliates stations of CBS, NBC, and ABC, and NPR also welcome.~~

Television:

KVAL 13 and all CBS affiliates
KMTR 16 ~~(NBC 16)~~ and all NBC affiliates
KEZI 9 and all ABC affiliates
KLSR and all Fox affiliates
KEVU
South Lane TV

No other entity shall be permitted to attend an executive session unless it is recognized through the process described in Section 2 below.

2. Recognition of Other News Media Organizations.

a. The following entities are recognized as news media organizations eligible to attend executive sessions:

(1) A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or

(2) A newspaper that Springfield uses for publication of public notices and that meets the requirements of ORS 193.020; or

(3) An entity recognized by Springfield as being a news source that:

A. is formally organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, ~~and that regularly reports on activities of the City of Springfield or matters of the nature under consideration by the City of Springfield;~~ additional considerations include frequency of publication,

quantity of articles published per week, permanency of web address, and number of visitors to news media's website.

B. is determined by the City of Springfield to be a business entity that is institutionalized¹ and that is committed to, and is structured to support, the terms of ORS 192.660(4).² In making this determination, the City of Springfield may consider and weigh any factors that it deems to be relevant, including, ~~without limitations~~but not limited to, the existence of any of the following factors:

- i. ~~the~~The entity has multiple personnel with defined roles within its organizational structure;
- ii. ~~the~~The names of news-reporting personnel, and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available;
- iii. The entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

b. It shall be the entity's burden to persuade the City of Springfield by substantial evidence that it should be recognized as a news media organization meeting the criteria in Section 2(a) of this policy. Such evidence must be submitted 30 days in advance of the first executive session that the entity desires to attend. The City of Springfield shall make a determination within 15 days of receiving the evidence submitted by the entity. The City of Springfield ~~may elect to forgo this procedure~~will allow expedited consideration or same-day recognition in cases where the City of Springfield, in its sole discretion, determines that it can immediately recognize that an entity qualifies under this policy or in cases where the public body, in its sole discretion, determines that other good cause exists for making an expedited determination. A determination that

¹ For the purposes of this policy, "institutionalized" media means ~~long-established or well-established~~an established media organization or corporation, organized for the purpose of gathering and disseminating news.

² ORS 192.660(4). Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specified information be undisclosed.

the entity is not recognized shall be based upon written findings addressing the criteria in Section 2(a).

3. Attendance at Executive Sessions. Representatives of news media organizations recognized pursuant to Sections 1 and 2 of this policy shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:

a. The representative must provide substantial evidence persuading the City of Springfield, that he or she is a ~~news reporter for the representative of a~~ recognized news media organization. In making its determination whether to recognize the person as a representative of a recognized news media organization (as set forth in Section 2), the City of Springfield shall require proof of identity (such as a driver's license) and:

(1) A press badge or identification issued by the recognized news media organization, ~~plus proof of identity (such as a driver's license); or~~

(2) A recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, ~~plus proof of identity; or~~

(3) A letter on the news media organization's letterhead, ~~written by from~~ an editor of the recognized news media organization, who may be the same person as the reporter if that person is also an editor of the news media organization, in which the editor states that the reporter is covering the meeting for the news media organization, ~~plus proof of identity.; or For a blogger, the editor and reporter may be the same person.~~

(4) Any other evidence that conclusively establishes that a person is acting in a representative capacity on behalf of a recognized news media organization, including as an employee, contractor, or agent of the news media organization.

b. Representatives of the news media are not permitted to attend executive sessions involving deliberations with persons designated to carry on labor negotiations. ORS 192.660(4). If the executive session is being held for the purpose of conferring with counsel about current litigation or litigation likely to be filed, the City of Springfield shall exclude any member of the news media from attending if the member is a party to the litigation

to be discussed or is an employee, agent, or contractor of a news media organization that is a party to the litigation. ORS 192.660(5).

c. The City of Springfield may require that a request to attend an executive session be made in writing on a form provided by the City of Springfield (see attached). The form shall require disclosure of the person's name, and the entity for which he or she is a news reporter, and shall require submission of evidence described in Subsections 3(a)(1), (2) or (3) of this policy. The form shall also include a signature line whereby the person certifies that they are gathering news for a recognized news media organization, that the information given is true and that they agree to comply with ORS 192.660(4).

d. The City of Springfield may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.

4. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except for the official executive session tapes made by City of Springfield staff.

~~5. Exclusion Based on a Direct Personal Interest. A representative of a news media organization that has a direct personal interest in the subject of the executive session that would frustrate the purpose of the executive session may be barred from attending.~~

- ~~65.~~ Application to Boards and Commissioners. These policies and procedures shall apply to the City of Springfield and all of its boards and commissions.

MODEL POLICY

This policy is based upon the model policy developed in 2009 by a task force consisting of representatives of Open Oregon, Lake Oswego City Attorney (also representing the League of Oregon Cities), Lake Oswego Mayor, Clackamas County Counsel, the Oregonian, the Oregon Newspaper Publishers Association and the Oregon Association of Broadcasters. These 2016 revisions are made in accordance with the Oregon Attorney General Opinion OP 8291 (April 18, 2016).

Gino Grimaldi, City Manager